

CHAPTER NO. 1067

HOUSE BILL NO. 2291

By Representatives Brooks, Armstrong, Pruitt, Miller, Cooper, Ulysses Jones, Langster, Towns, Larry Turner, Bowers, Brown

Substituted for: Senate Bill No. 2326

By Senators Dixon, Harper

AN ACT to amend Tennessee Code Annotated, Title 16, Chapter 3, relative to private probation supervision, counseling and collection services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 16, Chapter 3, is amended by adding Sections 2 through 10 of this act as a new, appropriately designated part.

SECTION 2. There is created the private probation services council.

SECTION 3. The purpose of the council is to insure that uniform professional and contract standards are practiced and maintained by private corporations, enterprises and entities engaged in rendering general misdemeanor probation supervision, counseling and collection services to the courts.

SECTION 4. Unless the context requires otherwise, as used in this act:

(1) "Council" means the private probation services council.

(2) "Governing authority" means the elected body of any county, municipality or metropolitan government with statutory power to enter into written contracts with corporations, enterprises or entities to provide public services.

(3) "Private entity" means a privately owned and operated corporation, enterprise or entity which contracts to provide general probation supervision, counseling and/or collection services for persons convicted of a misdemeanor and placed on probation.

SECTION 5. The Commissioner of Finance and Administration shall attach the council to the appropriate state entity for administrative purposes.

SECTION 6.

(a) The council shall consist of the following seven (7) voting members:

(1) Four (4) members who shall be appointed to serve for four (4) year terms as follows:

(A) One criminal court judge who shall be appointed by the President of the Tennessee Judicial Conference, representing a judicial circuit within which one or more private entities provide probation services; and

(B) Three (3) general sessions court judges who shall be appointed by the President of the Tennessee General

Sessions Judges Conference, representing counties within which one or more private entities provide probation services; and

(2) Three (3) members who shall be appointed by the Chief Justice of the Supreme Court to serve four (4) year terms as follows:

(A) One publicly employed probation officer;

(B) One private probation officer or individual with expertise in private probation service by virtue of training or employment; and

(C) One county commissioner.

(b) Subsequent vacancies on the council shall be filled in the same manner as initially filled.

SECTION 7. The council shall annually elect from its membership a chairperson, vice chairperson and such other officers as shall be deemed expedient.

SECTION 8. The state entity, to which the council is attached for administrative purposes, shall provide staff services for the council.

SECTION 9. The council shall meet at least once each quarter and at such times and places as necessary and convenient.

SECTION 10. The purpose of the council is to insure that uniform professional and contract standards are practiced and maintained by private corporations, enterprises and entities rendering general misdemeanor probation supervision, counseling and collection services to the courts. To such end, the council shall:

(a) Provide oversight of private entities;

(b) Promulgate uniform professional standards and uniform contract standards for private entities;

(c) Establish forty (40) hours of orientation for new private probation officers and twenty (20) hours of annual continuing education;

(d) Promulgate rules and regulations regarding noncompliance with the uniform professional standards and uniform contract standards;

(e) Promulgate rules and regulations requiring periodic registration of all private entities;

(f) Publish an annual summary report; and

(g) Promulgate rules and regulations requiring criminal records checks of all private probation officers.

All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


SECTION 11. This act shall take effect July 1, 1998, the public welfare requiring it.

PASSED: May 1, 1998


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 19th day of May 1998


DON SCHOUQUIST, GOVERNOR